

**TERMINAL DISCLAIMER TO OBIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**Docket Number
(Optional)
Merck-3129

In re Application of: Jean-Jacques ZEILLER, et al.

Application No. 10/566,995

Filed: February 2, 2006

For: BUTENOIC ACID DERIVATIVES, PROCESSES FOR THE PREPARATION THEREOF,
PHARMACEUTICAL COMPOSITIONS COMPRISING THEM, AND USE FOR THE TREATMENT OF
DYSLIPIDAEMIA, ATHEROSCLEROSIS AND DIABETES

The owner*, Merck Patent GmbH, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number **11/568598** filed on **April 6, 2005**, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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Check either box 1 or 2 below, if appropriate.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record. Reg. No. 40,921

/Jennifer Branigan/11/23/2009

Signature

Date

Jennifer Branigan, Reg. No. 40,921

Typed or printed name

703-243-6333

Telephone Number

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